

117TH CONGRESS
1ST SESSION

H. R. 3515

To facilitate the expedited review of anti-Semitic hate crimes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 25, 2021

Mr. KUSTOFF (for himself and Mr. McCARTHY) introduced the following bill;
which was referred to the Committee on the Judiciary

A BILL

To facilitate the expedited review of anti-Semitic hate crimes,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Preventing Anti-Se-
5 mitic Hate Crimes Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Jews are the targets of the majority of hate
9 crimes committed in the United States against any

1 religious group, including attacks on houses of wor-
2 ship and Jewish community centers.

3 (2) Amid ongoing conflict in May 2021 between
4 Israel, which is one of the closest allies of the United
5 States, and Hamas, which is a terrorist organization
6 and has been designated by the United States as
7 such since 1997, media reports indicate that there
8 has been a dramatic increase in hate crimes and vio-
9 lence against Jews in the United States.

10 (3) Media reports indicate that activists and
11 mobs acting in support of the terrorist group,
12 Hamas, and its sympathizers have incited and per-
13 petrated hate crimes and violence against Jews in
14 the United States in 2021.

15 (4) A recent survey conducted by the Anti-Def-
16 amation League indicates that 63 percent of Amer-
17 ican Jews have directly experienced or witnessed
18 anti-Semitic hate incidents within the past five
19 years.

20 (5) Anti-Semitism has long perpetrated myths
21 about Jews, including the Russian fabrication of the
22 Protocols of the Elders of Zion and the wide circula-
23 tion of libelous falsehoods about the Jewish murder
24 of infants.

1 (6) In its most extreme form, anti-Semitism
2 aims at the physical destruction of the Jewish peo-
3 ple, as seen in pogroms, forced conversions and Nazi
4 Germany's murder of over six million Jews.

5 (7) Anti-Semitism has included attacks on the
6 livelihood of Jews including prohibitions on land
7 ownership, campaigns to boycott, confiscate or de-
8 stroy Jewish businesses, and denial of the ability of
9 Jews to practice certain professions.

10 (8) In the United States, Jews have suffered
11 from systematic discrimination in the form of exclu-
12 sion from home ownership in certain neighborhoods,
13 prohibition from staying in certain hotels, restric-
14 tions upon membership in private clubs and other
15 associations, limitations upon admission to certain
16 educational institutions and other barriers to equal
17 justice under the law.

18 (9) In the United States, Jews have faced, and
19 continue to face, false accusations of divided loyalty
20 between the United States and Israel, false claims
21 that they purchase political power with money, and
22 false accusations about control of the financial sys-
23 tem, along with other negative stereotypes.

1 (10) The people of the United States stand in
2 solidarity with those affected by hate incidents di-
3 rected toward the American Jewish community.

4 **SEC. 3. REVIEW OF HATE CRIMES.**

5 (a) IN GENERAL.—Not later than 7 days after the
6 date of enactment of this Act, the Attorney General shall
7 designate an officer or employee of the Department of
8 Justice whose responsibility during the applicable period
9 shall be to facilitate the expedited review of anti-Semitic
10 hate crimes (as described in section 249 of title 18, United
11 States Code) and reports of any such crime to Federal,
12 State, local, or Tribal law enforcement agencies.

13 (b) APPLICABLE PERIOD DEFINED.—In this section,
14 the term “applicable period” means the period beginning
15 on the date on which the officer or employee is designated
16 under subsection (a), and ending on the date that is 3
17 years after the date of enactment of this Act, except that
18 the Attorney General may extend such period as appro-
19 priate.

20 **SEC. 4. IMPROVING ANTI-SEMITIC HATE CRIME PREVEN-**
21 **TION EFFORTS.**

22 (a) GUIDANCE FOR LAW ENFORCEMENT AGEN-
23 CIES.—The Attorney General shall issue guidance for
24 State, local, and Tribal law enforcement agencies, pursu-
25 ant to this Act and other applicable law, on how to expand

1 public education campaigns aimed at raising awareness of
2 anti-Semitic hate crimes and reaching victims, that are
3 equally effective for people with disabilities as for people
4 without disabilities.

5 (b) REPORT TO CONGRESS.—

6 (1) IN GENERAL.—Not later than 90 days after
7 the date of enactment of this Act, and every 90 days
8 thereafter until December 31, 2024, the Attorney
9 General shall issue a report to the appropriate con-
10 gressional committees summarizing—

11 (A) the number of hate crimes and other
12 incidents reported to the Federal Bureau of In-
13 vestigation during the preceding 90 days for
14 which the government has reason to believe that
15 the victim was targeted because he or she is
16 Jewish or was perceived to be Jewish;

17 (B) the number of active investigations
18 into anti-Semitic hate crimes, disaggregated by
19 the division of the Department of Justice re-
20 sponsible for the investigation;

21 (C) the number of active prosecutions of
22 anti-Semitic hate crimes, disaggregated by dis-
23 trict, primary charge filed, and whether the
24 prosecution is primarily conducted by the rel-

1 evant United States Attorney, the Criminal Di-
2 vision, or the Civil Rights Division; and

3 (D) other efforts undertaken by the De-
4 partment of Justice during the preceding 90
5 days to reduce the number of anti-Semitic hate
6 crimes in the United States.

7 (2) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES DEFINED.—As used in this section, the term
9 “appropriate congressional committees” means—

10 (A) the Committee on the Judiciary of the
11 Senate;

12 (B) the Committee on the Judiciary of the
13 House of Representatives;

14 (C) the Committee on Appropriations of
15 the Senate; and

16 (D) the Committee on Appropriations of
17 the House of Representatives.

18 (c) ENHANCED PENALTIES FOR REPEAT VIOLENT
19 HATE CRIME OFFENDERS.—Section 249 of title 18,
20 United States Code, is amended—

21 (1) by amending subsection (a)(1)(B) to read
22 as follows:

23 “(B) shall be imprisoned for any term of
24 years or for life, fined in accordance with this
25 title, or both, if—

1 “(i) the violation of this section occurs
 2 after a prior conviction under this section
 3 or a hate crime felony under State law has
 4 become final;

5 “(ii) death results from the offense; or

6 “(iii) the offense includes kidnapping
 7 or an attempt to kidnap, aggravated sexual
 8 abuse or an attempt to commit aggravated
 9 sexual abuse, or an attempt to kill.”;

10 (2) by amending subsection (a)(2)(A)(ii) to
 11 read as follows:

12 “(ii) shall be imprisoned for any term
 13 of years or for life, fined in accordance
 14 with this title, or both, if—

15 “(I) the violation of this section
 16 occurs after a prior conviction under
 17 this section or a hate crime felony
 18 under State law has become final;

19 “(II) death results from the of-
 20 fense; or

21 “(III) the offense includes kid-
 22 napping or an attempt to kidnap, ag-
 23 gravated sexual abuse or an attempt
 24 to commit aggravated sexual abuse, or
 25 an attempt to kill.”; and

1 (3) in subsection (c)—

2 (A) in paragraph (4), by striking “and”;

3 (B) in paragraph (5), by striking the pe-
4 riod at the end and inserting “; and”; and

5 (C) adding at the end the following:

6 “(6) the term ‘hate crime felony under State
7 law’ means any crime under State law that—

8 “(A) is punishable by more than one year;
9 and

10 “(B) has as an element the use, attempted
11 use, or threatened use of physical force against
12 the person or property of another because of
13 any actual or perceived characteristic listed in
14 subsection (a)(1) or (a)(2).”.

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